

Introduced by Senator Runner

February 27, 2009

An act to amend Section 51203 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 671, as introduced, Runner. Agricultural land: valuation.

Existing law requires the county assessor to assess current fair market valuations to determine the cancellation fee for removing land from a Williamson Act contract. Existing law permits the Department of Conservation or the landowner, if either believes that the current fair market valuations are inaccurate, to request formal review from the county assessor in the county considering the cancellation petition. Existing law requires the county assessor to formally review the valuation upon receiving a request for formal review if he or she determines that additional information submitted by the requesting party may have a material effect on the valuation of the property.

This bill would instead require the Department of Conservation to obtain a fee appraisal to determine the current fair market value of the land, and would authorize the county assessor, upon request of the department or the landowner, to provide information to the department to assist in the determination of value. The bill would require the fee appraiser to, upon request, formally review the valuation, and at the conclusion of the formal review, send the valuation to the department, the landowner, and the board or council considering the petition to cancel the contract.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 51203 of the Government Code is amended to read:

51203. (a) The ~~assessor~~ *Department of Conservation* shall ~~obtain a fee appraisal to~~ determine the current fair market value of the land as if it were free of the contractual restriction pursuant to Section 51283. The ~~Department of Conservation~~ *county assessor*, upon request of the department or the landowner, ~~also referred to in this section as “parties,”~~ may provide information to the department to assist the assessor to determine the in the determination of value. ~~Any information provided to the assessor shall be served on the other party, unless the information was provided at the request of the assessor, and would be confidential under law if required of an assessee.~~

(b) Within 45 days of receiving the assessor’s notice pursuant to subdivision (a) of Section 51283 or 51283.4, *fee appraisal*, if the Department of Conservation or the landowner believes that the current fair market valuation certified pursuant to subdivision (b) of Section 51283 or Section 51283.4 is not accurate, the department or the landowner may request formal review from the county assessor in the county considering the petition to cancel the contract *fee appraiser*. The department or the landowner shall submit to the ~~assessor~~ *fee appraiser* and the other party the reasons for believing the valuation is not accurate and the additional information the requesting party believes may substantiate a recalculation of the property valuation. ~~The assessor may recover his or her reasonable costs of the formal review from the party requesting the review, and may provide an estimate of those costs to the requesting party. The recovery of these costs from the department may be deducted by the city or county from the cancellation fees received pursuant to this chapter prior to transmittal to the Controller for deposit in the Soil Conservation Fund.~~

(1) If no request is made within 45 days of receiving notice by certified mail of the valuation, the ~~assessor’s~~ *fee appraiser’s* valuation shall be used to calculate the fee.

(2) Upon receiving a request for formal review, the ~~assessor~~ *fee appraiser* shall formally review ~~his or her~~ *the* valuation if, based on the determination of the ~~assessor~~ *fee appraiser*, the information

1 may have a material effect on *the* valuation of the property. The
2 ~~assessor fee appraiser~~ shall notify ~~the parties~~ *the department and*
3 *the landowner* that the formal review is being undertaken and that
4 information to aid the ~~assessor's fee appraiser's~~ review shall be
5 submitted within 30 days of the date of the notice to ~~the parties~~
6 *the department and the landowner*. Any information submitted to
7 the ~~assessor fee appraiser~~ shall be served on the other party who
8 shall have 30 days to respond to that information to the ~~assessor~~
9 *fee appraiser*. If the response to the ~~assessor fee appraiser~~ contains
10 new information, the party receiving that response shall have 20
11 days to respond to the ~~assessor fee appraiser~~ as to the new
12 information. All submittals and responses to the ~~assessor fee~~
13 *appraiser* shall be served on the other party by personal service
14 or an affidavit of mailing. The ~~assessor fee appraiser~~ shall avoid
15 ex parte contacts during the formal review and shall report any
16 ~~such~~ contacts to the department and the landowner at the same
17 time the review is complete. The ~~assessor fee appraiser~~ shall
18 complete the review no later than 120 days of receiving the request.

19 (3) At the conclusion of the formal review, the ~~assessor fee~~
20 *appraiser* shall either revise the cancellation valuation or determine
21 that the original cancellation valuation is accurate. The ~~assessor~~
22 *fee appraiser* shall send the revised valuation or notice of the
23 determination that the valuation is accurate to the department, the
24 landowner, and the board or council considering the petition to
25 cancel the contract. The ~~assessor fee appraiser~~ shall include a brief
26 narrative of what consideration was given to the items of
27 information and responses directly relating to the cancellation
28 value submitted by the ~~parties~~ *department and the landowner*. The
29 ~~assessor fee appraiser~~ shall give no consideration to a party's
30 information or response that was not served on the other party. If
31 the ~~assessor fee appraiser~~ denies a formal review, a brief narrative
32 shall be provided to the ~~parties~~ *department and the landowner*
33 indicating the basis for the denial, if requested.

34 (c) For purposes of this section, the valuation date of any revised
35 valuation pursuant to formal review or following judicial challenge
36 shall remain the date of the ~~assessor's fee appraiser's~~ initial
37 valuation, or his or her initial recomputation pursuant to Section
38 51283.4. For purposes of cancellation fee calculation in a tentative
39 cancellation as provided in Section 51283, or in a recomputation
40 for final cancellation as provided in Section 51283.4, a cancellation

1 value shall be considered current for one year after its
2 determination and certification by the ~~assessor~~ *fee appraiser*.

3 (d) Notwithstanding any other provision of this section, the
4 department and the landowner may agree on a cancellation
5 valuation of the land. The agreed valuation shall serve as the
6 cancellation valuation pursuant to Section 51283 or Section
7 51283.4. The agreement shall be transmitted to the board or council
8 considering the petition to cancel the contract.

9 (e) This section represents the exclusive administrative
10 procedure for appealing a cancellation valuation calculated pursuant
11 to this section. The Department of Conservation shall represent
12 the interests of the state in the administrative and judicial remedies
13 for challenging the determination of a cancellation valuation or
14 cancellation fee.